

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ASAHI GLASS CO., LTD. and)	
AGC FLAT GLASS NORTH)	
AMERICA, INC.,)	
)	
Plaintiffs,)	Civil Action No.
)	
v.)	DEMAND FOR JURY TRIAL
)	
GUARDIAN INDUSTRIES CORP.,)	
)	
Defendant.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Asahi Glass Co., Ltd. and AGC Flat Glass North America, Inc., for their
Complaint for Patent Infringement against Defendant Guardian Industries Corporation
("Guardian"), state as follows:

JURISDICTION AND VENUE

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. The Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).
2. This Court has personal jurisdiction over Guardian, as Guardian is incorporated in the State of Delaware.
3. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b).

PARTIES

4. Plaintiff Asahi Glass Co., Ltd. (“AGC”) is a corporation organized and existing under the laws of the country of Japan, with its headquarters and principal place of business located at 1-12-1, Yurakucho, Chiyoda-ku, Tokyo 100-8405 Japan.

5. Plaintiff AGC Flat Glass North America, Inc. (“AFNA”) is a corporation organized and existing under the laws of the State of Delaware, with its headquarters and principal place of business located at 11175 Cicero Drive, Suite 400, Alpharetta, GA 30022.

6. Defendant Guardian Industries Corporation (“Guardian”) is a corporation organized and existing under the laws of the State of Delaware, with its headquarters and principal place of business located in Auburn Hills, Michigan.

COUNT 1 – INFRINGEMENT OF U.S. PATENT NO. 6,334,938

7. Plaintiffs repeat and reallege the allegations of paragraphs 1 through 6 as if set forth herein.

8. U.S. Patent No. 6,334,938 (“the ‘938 Patent”), entitled “Target and Process for its Production, and Method for Forming a Film Having a High Refractive Index, ” was duly and legally issued on January 1, 2002, by the United States Patent and Trademark Office. AGC and AFNA are assignees of the entire right, title and interest in the ‘938 Patent. A true and correct copy of the ‘938 Patent is attached hereto as Exhibit A.

9. Upon information and belief, Guardian has infringed and continues to infringe one or more claims of the ‘938 Patent, directly, contributorily, and/or by inducement, by making, using, selling and/or offering to sell in this country, without a license, Low-E glass products and First Surface Mirror glass products, in violation of 35 U.S.C. § 271.

10. Further discovery may reveal that Guardian's infringement of the '938 Patent has been and continues to be willful and carried out with full knowledge of the '938 Patent.

11. AGC and AFNA have been and will continue to be damaged by Guardian's infringement of the '938 Patent and will be irreparably harmed unless that infringement is enjoined.

COUNT 2 – INFRINGEMENT OF U.S. PATENT NO. 6,193,856

12. Plaintiffs repeat and reallege the allegations of paragraphs 1 through 11 as if set forth herein.

13. U.S. Patent No. 6,193,856 ("the '856 Patent"), entitled "Target and Process for its Production, and Method for Forming a Film Having a Highly Refractive Index," was duly and legally issued on February 27, 2001, by the United States Patent and Trademark Office. AGC and AFNA are assignees of the entire right, title and interest in the '856 Patent. A true and correct copy of the '856 Patent is attached hereto as Exhibit B.

14. Upon information and belief, Guardian has infringed and continues to infringe one or more claims of the '856 Patent, directly, contributorily, and/or by inducement, by making, using, selling and/or offering to sell in this country, without a license, Low-E glass products and First Surface Mirror glass products, in violation of 35 U.S.C. § 271.

15. Further discovery may reveal that Guardian's infringement of the '856 Patent has been and continues to be willful and carried out with full knowledge of the '856 Patent.

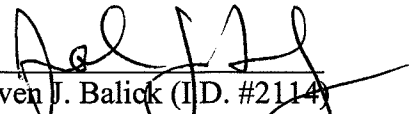
16. AGC and AFNA have been and will continue to be damaged by Guardian's infringement of the '856 Patent and will be irreparably harmed unless that infringement is enjoined.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request the following relief:

- a. A judgment that Guardian has infringed the '938 Patent;
- b. A permanent injunction, issued pursuant to 35 U.S.C. § 283, restraining and enjoining Guardian and its officers, agents, attorneys and employees, and those acting in privity or concert with them, from infringing the '938 patent for the full term thereof;
- c. An award of damages to Plaintiffs, including pre-judgment and post-judgment interest, in an amount adequate to compensate for Guardian's infringement of the '938 Patent, and if willful infringement is shown, treble damages pursuant to 35 U.S.C. § 284;
- d. A judgment that Guardian has infringed the '856 Patent;
- e. A permanent injunction, issued pursuant to 35 U.S.C. § 283, restraining and enjoining Guardian and its officers, agents, attorneys and employees, and those acting in privity or concert with them, from infringing the '856 patent for the full term thereof;
- f. An award of damages to Plaintiffs, including pre-judgment and post-judgment interest, in an amount adequate to compensate for Guardian's infringement of the '856 Patent, and if willful infringement is shown, treble damages pursuant to 35 U.S.C. § 284;
- g. Costs and expenses in this action;
- h. A declaration that this is an exceptional case and an award of attorneys' fees, disbursements, and costs of this action pursuant to 35 U.S.C. § 285; and
- i. Such other and further relief as the Court may deem just and proper.

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